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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/670,900	09/28/2000	Stuart A. Fraser	CF/008	7800

1473 7590 08/21/2003  
FISH & NEAVE  
1251 AVENUE OF THE AMERICAS  
50TH FLOOR  
NEW YORK, NY 10020-1105

EXAMINER
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CHANG, SABRINA A

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 08/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/670,900

Applicant(s)

FRASER ET AL.

Examiner

Sabrina Chang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 28 September 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-128 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-128 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 September 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- |                                                                                                              |                                                                             |
|--------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>5</u> . | 6) <input type="checkbox"/> Other:                                          |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 – 4, 6 – 18, 20 – 37, 39, 41 – 56, 58, 60 – 77, 79, 81 – 98, 100, 102 – 119, 121, 123 – 128 are rejected under 35 U.S.C. 102(e) as being anticipated by Gebb U.S Patent No. 6,067,532.

Geb discloses a method for redistributing tickets on a secondary market. Potential sellers enroll with the system manager via telephone, fax, mail, E-mail, or Internet. The sellers submit an address, a credit card and/or other information to verify their identity and trustworthiness (receiving a request to transfer the item from the first consumer) [Col 2, Line 28]. The system then sends a consignment data packet to the seller's computer requesting that the seller approve the consignment agreement (requesting authorization to transfer the item) [Col 6, Line 15]. After the seller is verified, the ticket information itself is verified with the master arena database (provider). In a preferred embodiment, the master arena database verifies the existence of the event and seat and the initial sale of the specific seat (contacting the provider to verify whether the first consumer possess the item) [Col 7, Line 36]. The ticket server limits the number of tickets, which an individual seller can consign per event (placing additional restrictions on the item where

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the constriction comprises a maximum number of tickets available for sale) [Col 7, Line 50]. The ticket server also analyzes any agreements with the particular arena, promoter or entity (providers) regarding the establishment of resale prices (restriction comprises at least one of minimum transfer price, a provider authorizing the transfer) [Col 7, Line 53].

Once the seller has authorized the transaction and their information has been verified, their ticket information is sent to the system and stored in the ticket database [Col 5, Line 9]. The ticket database/server is made available to potential buyers for browsing.

Buyers must enter their credit card, address and other demographic information to be stored in a buyer database [Col 8, Line 37]. Buyers can browse available tickets and place their bid (presenting information on the item to a second customer [Col 7, Line 65]. If their bid is successful then the buyer pays for the ticket at the time of purchase using any known credit card transaction or payment mechanism known in the art, i.e. cash, check, smart card [Col 8, Line 30]. The buyer's information is verified before their purchase of the tickets is authorized (authorization of second consumer prior to arranging for transfer) [Col 8, Line 44]. The ticket is then distributed to the buyer via a desired distribution method selected by the buyer [Col 8, Line 44]. These measures include mailing the ticket to the system manager, from the seller, for redistribution, deactivating the authorization on the initial ticket, or informing the arena not to accept the original ticket (instructing the first consumer to send the item to the second through the provider and providing for the second consumer to make payment for the item, instructing the first consumer to send the item to the second consumer directly and providing for the second consumer to make payment) [Col 9, Line 2]. If the entire transaction is conducted

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properly, the seller is credited a predetermined amount – for example the face value of the ticket less the transaction fee or less any other fees as required by contract with the arena (provider) the State, etc. (the provider receives a fee from the payment of the second consumer, where the fee is a flat or a percentage payment) [Col 9, Line 16]. The seller can be credited by any number of means including cash check, etc.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5, 18, 40, 59, 80, 101, 122 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gebb U.S Patent No. 6,067,532 in view of Walker U.S. Patent No. 6,240,396.

Gebb does not explicitly disclose that the information is presented in an advertising interface.

Walker et al. discloses a system for managing the resale of event tickets. Walker et al. describes a system comprising a database to track sellers, buyers and tickets. Tickets can be made available over a communications network [fig. 1] either using a reverse bidding process or using an advertising interface [Col 9, Line 3]. The ability to sell tickets using advertising gives potential buyers the opportunity to review various offers and get a better understanding of what a fair ticket price may be [Col 9, Line 5]. Further, Walker et al. discloses that the resale of tickets using advertisements is notoriously known in the art [Col 1, Line 61].

It would have been obvious to modify the system of Gebb to include the ability for potential sellers to post their tickets for resale using an advertising interface, as taught by Walker et al., in order to provide more options for the seller and give buyers an opportunity to gain a better understanding of ticket prices.

Claims 38, 57, 78, 99, 120 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gebb U.S. Patent No. 6,067,532

Gebb does not explicitly disclose restricting the presentation of ticket information to a select group of users. Personalization is a key factor in the success of any business, whether it be brick and mortar or online. A common vehicle for maintaining the personalized nature of a buying experience is offering products and items that are most relevant to a potential buyer, based upon their demographic information, buying history, etc. In that Gebb seeks to filter both buyers and sellers to guarantee a successful and desirable transaction [Col 2, Line 26], it would have been obvious for the system to filter the buyers, for example by demographic, in order to present only the most relevant offers thereby increasing the likelihood of a successful transaction.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Strohl discloses a method for recycling tickets on a network. Strohl does not explicitly disclose reselling a ticket using a bidding/auction-based process.

Walker et al. discloses a system and method for managing alterable tickets. Walker et al. does not explicitly disclose a method for bidding/auctioning such tickets.

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Nakfoor discloses a method of electronically exchanging tickets but the date after the filing date of this application.

Kay discloses a cryptographic ticket issuing and collection system. Kay does not disclose a ticket reselling system.

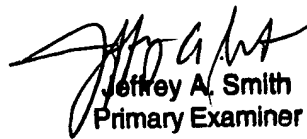
Brett discloses an automated event ticket auctioning system. Brett does not disclose the reselling of event tickets.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sabrina Chang whose telephone number is 703 305 4879. The examiner can normally be reached on 8:30 am - 5:30 pm Mon.- Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 703 308 1344. The fax phone numbers for the organization where this application or proceeding is assigned are 703 305 7687 for regular communications and 703 305 7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308 1113.

SC  
August 8, 2003

  
Jeffrey A. Smith  
Primary Examiner